

West's Code of Georgia Annotated  
Title 9. Civil Practice  
Chapter 11. Civil Practice Act (Refs & Annos)  
Article 8. Provisional and Final Remedies and Special Proceedings

This section has been updated. [Click here for the updated version.](#)

Ga. Code Ann., § 9-11-67.1

§ 9-11-67.1. Offer to settle tort claim must be in writing; terms

Effective: July 1, 2013 to June 30, 2021

(a) Prior to the filing of a civil action, any offer to settle a tort claim for personal injury, bodily injury, or death arising from the use of a motor vehicle and prepared by or with the assistance of an attorney on behalf of a claimant or claimants shall be in writing and contain the following material terms:

- (1) The time period within which such offer must be accepted, which shall be not less than 30 days from receipt of the offer;
  - (2) Amount of monetary payment;
  - (3) The party or parties the claimant or claimants will release if such offer is accepted;
  - (4) The type of release, if any, the claimant or claimants will provide to each releasee; and
  - (5) The claims to be released.
- (b) The recipients of an offer to settle made under this Code section may accept the same by providing written acceptance of the material terms outlined in subsection (a) of this Code section in their entirety.
- (c) Nothing in this Code section is intended to prohibit parties from reaching a settlement agreement in a manner and under terms otherwise agreeable to the parties.
- (d) Upon receipt of an offer to settle set forth in subsection (a) of this Code section, the recipients shall have the right to seek clarification regarding terms, liens, subrogation claims, standing to release claims, medical bills, medical records, and other relevant facts. An attempt to seek reasonable clarification shall not be deemed a counteroffer.
- (e) An offer to settle made pursuant to this Code section shall be sent by certified mail or statutory overnight delivery, return receipt requested, and shall specifically reference this Code section.

**EXHIBIT**

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(f) The person or entity providing payment to satisfy the material term set forth in paragraph (2) of subsection (a) of this Code section may elect to provide payment by any one or more of the following means:

- (1) Cash;
- (2) Money order;
- (3) Wire transfer;
- (4) A cashier's check issued by a bank or other financial institution;
- (5) A draft or bank check issued by an insurance company; or
- (6) Electronic funds transfer or other method of electronic payment.

(g) Nothing in this Code section shall prohibit a party making an offer to settle from requiring payment within a specified period; provided, however, that such period shall be not less than ten days after the written acceptance of the offer to settle.

(h) This Code section shall apply to causes of action for personal injury, bodily injury, and death arising from the use of a motor vehicle on or after July 1, 2013.

#### **Credits**

Laws 2013, Act 271, § 1, eff. July 1, 2013.

Ga. Code Ann., § 9-11-67.1, GA ST § 9-11-67.1

The statutes and Constitution are current through legislation passed at the 2024 Regular Session of the Georgia General Assembly. Some sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.